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# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

*Board of Building Regulations and Standards*

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Commissioner

Alexander MacLeod, R.A.  
Chairman

Gary Moccia, P.E.  
Vice Chairman

Robert Anderson  
Administrator

Date: December 9, 2009

Name of Appellant: Boston Symphony Orchestra

Service Address: C. Mark Cataudella  
Symphony Hall  
301 Mass Avenue  
Boston, MA. 02115

In reference to: Tappan House at Tanglewood  
202-12 Hawthorne Road  
Stockbridge, MA. 01262

Docket Number: 09-811

Property Address: Tappan House at Tanglewood  
202-12 Hawthorne Road  
Stockbridge, MA.

Date of Hearing: 10-20-09

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

**BUILDING CODE APPEALS BOARD**

Patricia Barry, Clerk

cc: Building Code Appeals Board  
Building Official

**COMMONWEALTH OF MASSACHUSETTS**  
**State Building Code (780 CMR) Appeals Board**  
**Board's Ruling on Appeal<sup>1</sup>**

**Docket No. 09-811**

Appellant(s): Boston Symphony Orchestra vs.  
represented by C. Mark Cataudella

Appellee(s): City/Town of Stockbridge  
Building Official Ned Baldwin

**Procedural History**

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance from 6<sup>th</sup> edition 780 CMR 1607.7.1 for the property known as the Tappan House at Tanglewood Music Center located at 202-12 Hawthorne Road, Stockbridge, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on October 20, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. C. Mark Cataudella and Pamela Hawkes appeared for the hearing as noted on the sign in sheet which is on file at the Department of Public Safety.

**Discussion**

After testimony and discussion a motion was made to interpret the 6<sup>th</sup> edition 780 CMR 1607.7.1 regarding the newly installed balustrade at the Tappan House and that it is considered strictly a decorative, ornamental railing and thus not required to meet the requirements of this section. The motion was made contingent upon the appellant placing signage on the interior near the windows to this area that access to the roof is not permitted and that the Fire Department be notified that the balustrade is strictly decorative and that this information be included in their training. There was a second on the motion and board vote was taken, which was unanimous.

**Conclusion**

The Appellant's request for a variance from 6<sup>th</sup> edition 780 CMR 1607.7.1 is hereby **granted** as described in the discussion above and so ordered<sup>2</sup> on this date: October 20, 2009.



Jacob Nunnemacher



Douglas Semple



Alexander MacLeod

<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

<sup>2</sup> In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.